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**UNITED STATES DISTRICT COURT  
OF WASHINGTON  
WESTERN DIVISION**

**BENJAMIN BLANCHARD,**  
*Petitioner and Next Friend,*

**KURT BENSHOOF,**  
*Prisoner*

**THE GREAT WRIT, HABEUS CORPUS**  
**FILED AS NEXT FRIEND**

**Case. 2:24-mc-43-JNW**

**MOTION FOR JUDICIAL NOTICE RULE 201 B2,C2 &D  
OF 28 USCA § 2243**

Petitioner and Next Friend, BENJAMIN BLANCHARD comes before the Court with this Motion for Judicial Notice of 28 USCA § 2243 of the time requirements for a Writ of Habeas to be returned and ruled upon.

**§ 2243. Issuance of writ; return; hearing; decision**

A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.

When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.

The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

### HISTORY OF PROCEEDINGS

1. Petitioner Blanchard filed the Petition for Writ of Habeas into the Eastern District Court of Washington which was docketed in Western District as miscellaneous case 2:24-mc-43- JNW, under Jamal Whitehead on July 14th 2024.
2. Petitioner Blanchard filed a Motion for Recusal of Judge Jamal Whitehead on July 16th, 2024, due to lack of impartiality.
3. On July 17th, the 9th Circuit Court Docketed notice of Petitioner Prow's Habeas Corpus into Case 2:24-mc-43-JNW.
4. The 9th Circuit Court instructed the issuance of a transfer order be issued to Tate Prows and Kurt Benshoof c/o Kings County Correctional Facility.
5. Since July 17th, the Western District Court has failed to issue and adjucate either Writ for Habeas Corpus and bring Kurt Benshoof before any Judge in the Western District at all!

6. The Writ Order must be executed per 28 U.S.C.A. 2243 and a hearing been set for the Writ.

Wherefore the reasons stated, Petitioner Blanchard respectfully moves this Court to issue a Transfer Order to bring Prisoner Kurt Benshoof before the Western District Court with an impartial Judge and execute the Writ of Habeas Corpus.

**Submitted this 11th day of August 2024**

*/s/ Benjamin Blanchard*

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